

Public Notice

U.S. Army Corps of Engineers, Norfolk District

February 28, 2008

CENAO-REG
NAO-2009-00327 (08-V2199)

FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

APPLICANT

Milton Point, LC
c/o Ed Whitmore, Manager
151 South Main Street
Norfolk, Virginia 23523

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located on the James River the at the intersection is Rt. 673 and Farm Road in Isle of Wight County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct 3 breakwaters and place associated beach nourishment landward of the breakwaters as well as install 150 linear feet of stone revetment to tie the breakwaters/ beach system into the adjacent downstream revetment. The breakwaters will be 160' or in length. The base of the breakwaters will measure approximately 28.5' and the top of the structures will measure 7' and the stone will be placed at a 1.5:1 slope. Approximately 10,000 cubic yards of clean beach sand from an off-site source will be place landward of the proposed breakwaters covering 63,550 square feet of non-vegetated and subaqueous bottom. The proposed beach backshore will be planted with 14,400 square feet of Spartina patens and 3,375 square feet of American Beach Grass, both on a 1.5' x 1.5' planting grid. The applicant also proposes to construct a 150 linear foot revetment to tie in the beach system with an existing downstream revetment by placing armor stone at a 1.5:1 slope encroaching 19.5' channelward of mean high water. The maximum channelward encroachment of the proposed beach system will be 170' where the waterway width is approximately 19,500 feet.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the Isle of Wight County Wetlands Board. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection

and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the individual and cumulative impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.state.va.us.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The James River may contain Essential Fish Habitat (EFH) for the egg, larvae, juvenile, and/or adult life stages of 11 species including windowpane flounder (*Scopthalmus aquosus*), bluefish (*Pomatomus saltatrix*), Atlantic butterflyfish (*Peprilus triacanthus*), summer flounder (*Paralichthys dentatus*), black sea bass (*Centropristus striata*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*), red drum (*Sciaenops ocellatus*), dusky shark (*Charcharinus obscurus*), and sandbar shark (*Charcharinus plumbeus*). The habitat which this project would affect consists of shallow water. The proposed project is described in Proposed Work and Purpose, above. The proposed work will cause the permanent lose of nursery and/or feeding habitat for many of these species through filling for the purpose of beach nourishment and the construction of breakwaters and riprap revetment and

associated backfill. Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on March 29, 2009.

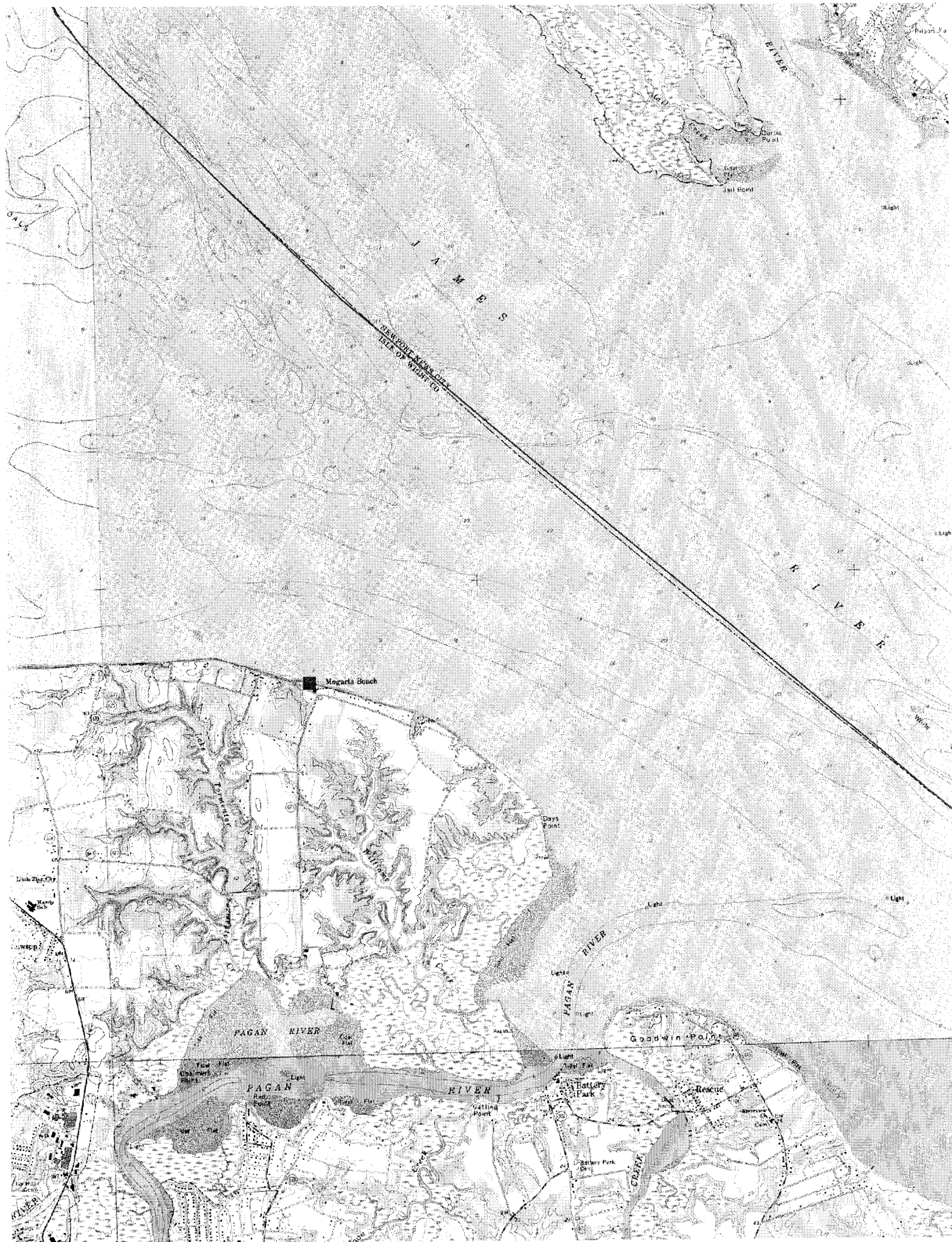
If you have any questions about this project or the permit process, contact Sayward Frailing at Sayward.a.frailing@usace.army.mil or (757) 201-7580.

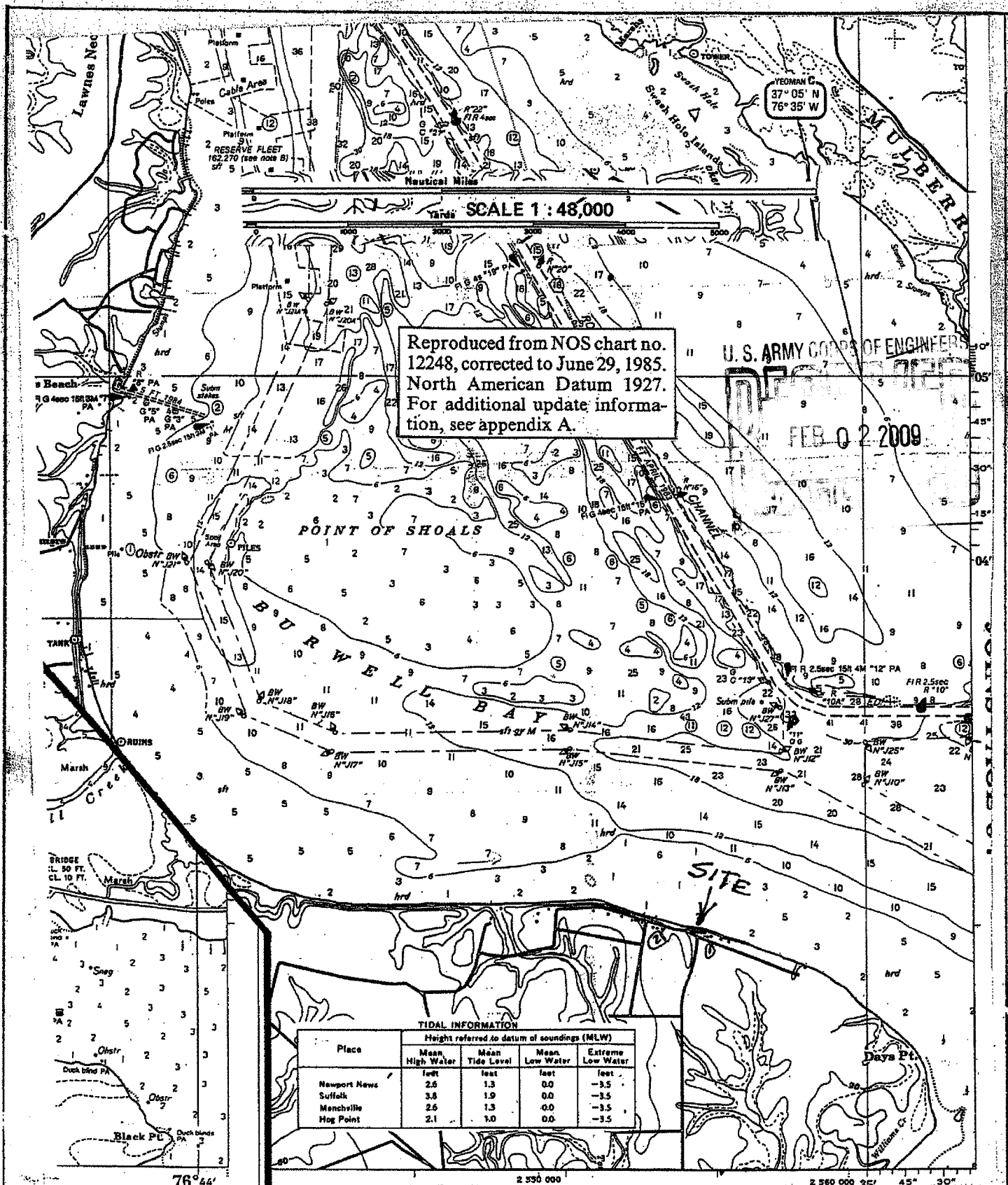
FOR THE DISTRICT ENGINEER:

A handwritten signature in black ink, appearing to read "Richard Henderson".

Richard Henderson
Acting Chief, Western Virginia
Regulatory Section

Attachment: Drawings

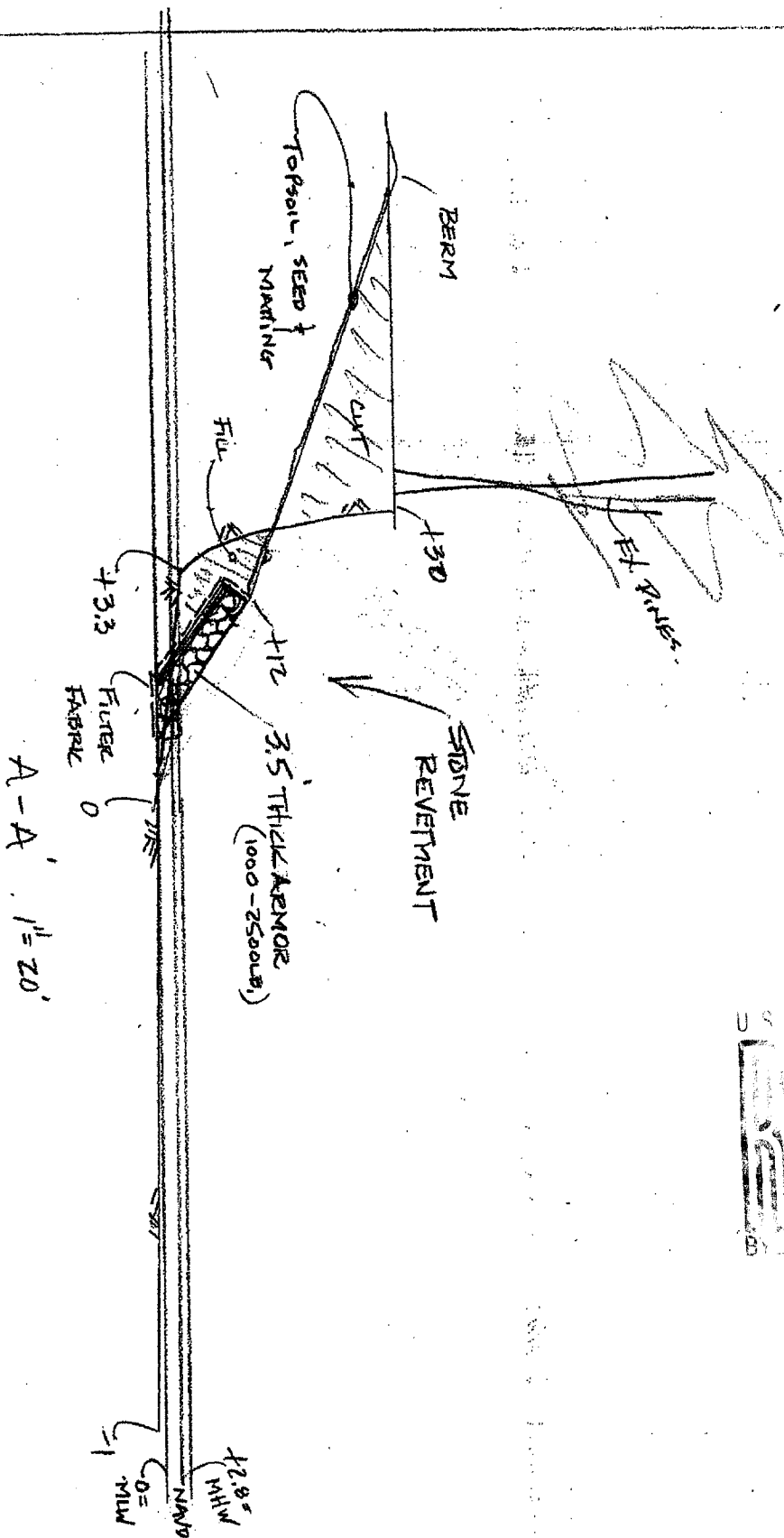




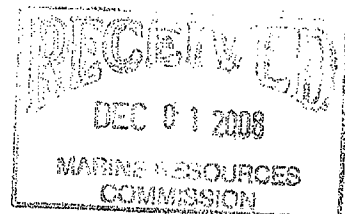
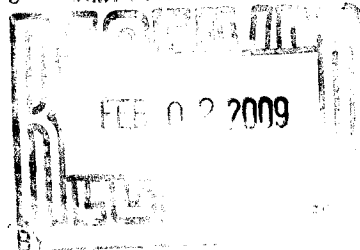
ADJACENT PRO. OWNERS:
1. JILL & ROB LEBLOND
2. MARILYN BRIGHT
DATUM: 0=MLW; MTR: 2.8

VICINITY MAP
SCALE: AS SHOWN
MAGARTS BEACH BREAKWATERS
& BEACH FILL PROJECT

PROPOSED: BREAKWATERS/BEACH FILL
IN: JAMES RIVER
CO: ISLE OF WIGHT
11/28/08
SHEET 1 OF 5



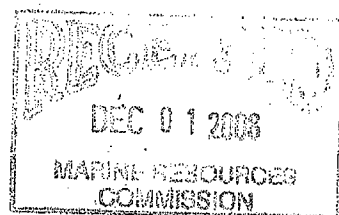
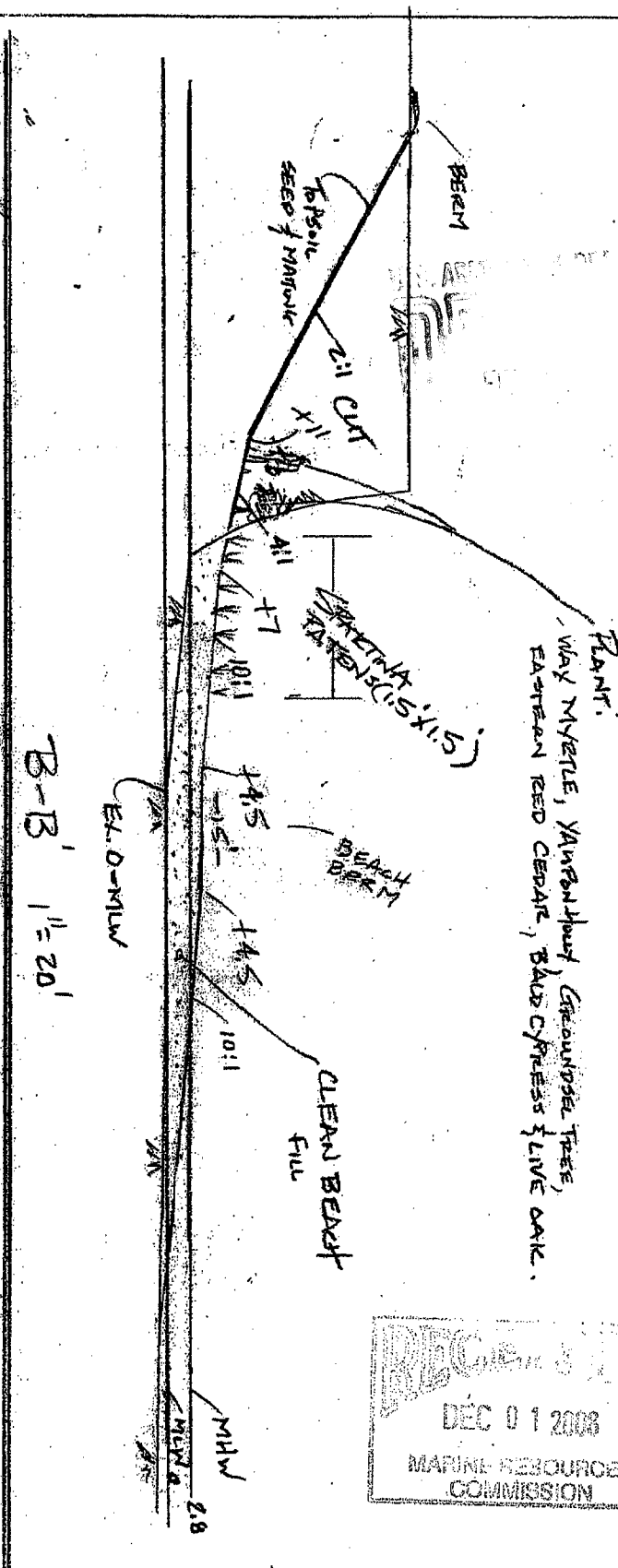
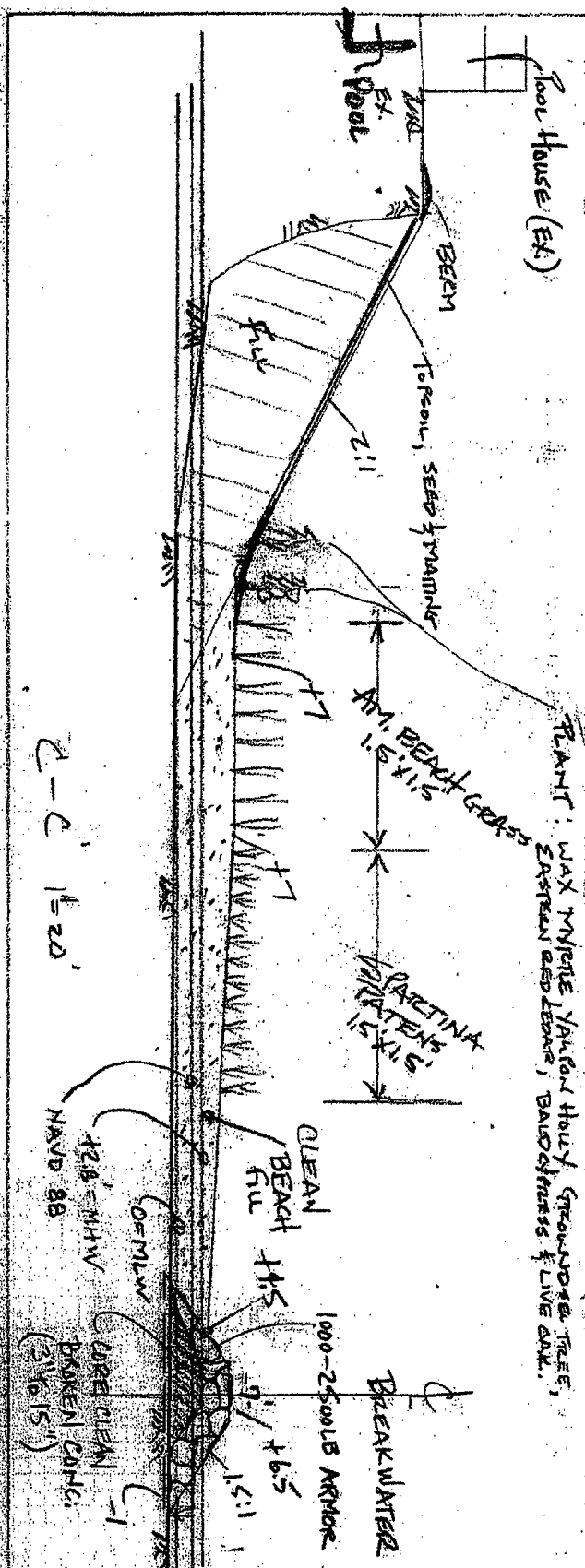
U.S. ARMY CORPS OF ENGINEERS



DATUM: 0 = MLW; MTR = 2.8'

SECTIONAL VIEW
DOWNSTREAM "TIE-IN" REVELMENT
1" = 20'

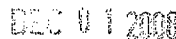
PROPOSED: BREAKWATER &
BEACH FILL PROJECT
IN: JAMES RIVER
CO.: ISLE OF WIGHT
11/28/08 SHEET 3 OF 5



DATUM 0=MLW, MTR=2.8'

SECTIONAL VIEWS
B-B PROFILE IN THE
EMBAYMENT
C-C PROFILE AT
BREAKWATER
1" = 20'

PROPOSED: BREAKWATERS WITH
BEACHFILL PROJECT
IN: JAMES RIVER
CO.: ISLE OF WIGHT
11/28/08 SHEET 4 OF 5



LEARNING RESOURCES COMMISSION



DATA: MLW = 0 ; MTR = 2.8

- TYP. REVETMENT
- TYP. BREAKWATER
SCALE: 1"=5'

PROPOSED: BREAKWATER &
BEACH FILL PROJECT

IN: JAMES RIVER
CO.: ISLE OF WIGHT
11/28/08 SHEP

SHEET 5 of 5